

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS**

External Operating Procedures - Clerk's Office

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I. CLERK'S OFFICE LOCATIONS

A. United States Bankruptcy Court - Tyler office - (903) 590-3200

110 N. College Avenue, Ninth Floor

Tyler, Texas 75702-7226

(Tyler and Marshall Divisions)

{Counties of: Camp, Cass, Chambers, Harrison, Marion, Morris, Upshur}

{Counties of: Anderson, Cherokee, Gregg, Henderson, Panola, Rains, Rusk, Smith, Van Zandt, Wood}

B. United States Bankruptcy Court - Beaumont office - (409) 839-2617

Jack Brooks Federal Building

300 Willow Street, First Floor

Beaumont, Texas 77701-2222

(Beaumont and Lufkin Divisions)

{Counties of: Hardin, Jasper, Jefferson, Liberty, Newton, Orange}

{Counties of: Angelina, Houston, Nacogdoches, Polk, San Augustine, Shelby, Trinity, Tyler, Sabine}

C. United States Bankruptcy Court - Plano office - (972) 509-1240

660 North Central Expressway, Third Floor

Plano, Texas 75074-6795

(Sherman and Texarkana Divisions)

{Counties of: Collin, Cooke, Delta, Denton, Fannin, Grayson, Hopkins, Lamar}

{Counties of: Bowie, Franklin, Red River, Titus}

II. OFFICE HOURS

A. The Clerk's Office is open for conducting official business from 8:00 AM to 4:00 PM daily, Monday through Friday, except official holidays and during such other times as the Chief Judge may designate. The doors close at 4:00 PM and is strictly enforced. We do not close for lunch.

B. With few exceptions, all documents submitted for filing at the front counter of any Clerk's Office must be scanned by the filer using a public scanner in order for that document to be filed. We strongly encourage the filing of new petitions early in the day.

C. With few exceptions, parties are required to submit documents by electronic means. Electronic filing is generally available 24 hours per day, 7 days per week. For more information, see TXEB Appendix 5005 and the Court's website at www.txeb.uscourts.gov.

D. The Clerk's Office maintains a web site available to the general public. The web site is normally available 24 hours a day, 7 days a week. The address is: www.txeb.uscourts.gov. Visitors to our web site are encouraged to submit reasonable suggestions and constructive criticism to the webmaster via email.

III. FILING REQUIREMENTS

A. Documents filed on paper by filers required to file such documents electronically are referred to the assigned judge. Voluntary petitions for individuals without payment in full must be accompanied by either an *Application to Pay Filing Fee in Installments (Official Form 3A)* or *Application for Waiver of the Chapter 7 Filing Fee (Official Form 3B)*. Also, fee-related documents filed by a case trustee without payment in full must be accompanied by an *Application to Defer the Filing Fee*.

B. In accordance with LBR 9004 (a), the caption for every pleading must identify:

1. The district and division in which the proceeding was filed,
2. The name, address and last four (4) digits of the taxpayer identification number of the debtor,
3. The bankruptcy case number, and
4. The applicable chapter of the bankruptcy proceeding.

C. Every pleading must contain the attorney's state bar number (LBR 9011).

D. In accordance with LBR 9013 (d), disclosure of personal identifiers should be redacted as follows:

1. Only the last four digits of a social security number should be used (does not apply to *Declarations for Electronic Filing* and *Statements of Social Security Number* which are filed on paper with the Court and are not scanned and docketed),
2. Only the initials of a minor child should be used.
3. Only the year of a person's date of birth should be used,
4. Only the last four digits of financial account numbers should be used, and
5. Driver's license numbers should be redacted in full.

E. Parties who are not required to file documents electronically and are requesting a file-stamped document copy must include an additional copy and a stamped, self-addressed envelope large enough and with sufficient postage attached to accommodate the return document.

F. Documents may not be removed from the physical confines of the Court.

G. The Court discards and does not file documents received using a facsimile machine.

H. A *Notice of Change in Schedule of Creditors* prepared in accordance with TXEB Appendix 1007-b-7 must be filed by the debtor to add or delete creditors, to notify the Court of creditor address changes, to amend schedules due to a chapter conversion, for other changes in the status of original scheduled debt, and with each amendment to Schedules I, J, and/or C.

IV. FINANCIAL TRANSACTIONS

A. The Clerk's Office charges all fees according to the *Official Bankruptcy Fee Schedule*, including the *Bankruptcy Court Miscellaneous Fee Schedule* and the *Fee Schedule for Electronic Public Access*. 28 U.S.C. 1930.

B. The Clerk's Office does not provide change.

C. With the exception of pages printed from the public printer in the public area of each office, all services must be paid for in advance.

D. For pages printed from the public printers in the public area of each office, payment must be tendered prior to any departure from the Clerk's Office.

E. The Clerk's Office promptly deposits all cash, checks, and money orders, including those received with a *Motion to Reopen Case*.

F. The Clerk's Office periodically invoices *Chapter 11 Noticing and Claim Fees*. Fees are payable upon invoice receipt.

G. The Clerk's Office maintains a list of attorneys and law firms that may not pay fees with personal checks or checks from their law firm. These persons must pay for all services with cash, money order, cashier's check or credit / debit card.

H. All fees due for documents filed electronically must be paid on-line within 72 hours of filing with a credit / debit card. Documentation is available for electronic filers to pay filing fees on-line in the On-Line Credit Card Payment Guide available on the Court's website.

I. All Attorneys will pay filing fees and be able to review their payment histories and outstanding fees over the Internet any time of day. Filing fees must be paid with a credit/debit card transaction on-line; checks will no longer be mailed to the Court. We (the Court) will automatically docket the Internet credit card receipt number when fees are paid online, thus eliminating tasks such as maintaining and securing attorney credit card numbers and manually posting fee payments. During the unusual times when a document is scanned and filed at the front counter at a divisional office, the applicable filing fee must be paid with cash, check, money order, or credit card physically tendered at the time of filing.

V. COPY REQUESTS

A. Various commercial service providers may perform research and make copies on your behalf. These companies usually charge a fee for their services. The Clerk's Office does not endorse any company nor will the Clerk's Office warrant their suitability to perform the work provided. The most current information is listed on our website at www.txeb.uscourts.gov.

B. Generally speaking, paper documents are NOT available for examination. The only exceptions are those paper documents filed prior to June 1, 1998 and paper proofs of claim filed prior to June 1, 1999. The Clerk's Office may charge the applicable search fee under the Bankruptcy Court Miscellaneous Fee Schedule for retrieval of a paper case file or any documents that are available in paper format. The Clerk's Office will charge the full applicable copy fees for all copies made from paper documents.

C. The Clerk's Office maintains multiple public access computer terminals at each of its divisional offices. There is no charge to use one of these terminals; however, print fees may be charged for printed copies of documents stored in an electronic format..

VI. INFORMATIONAL QUERIES

A. Information about open and closed cases is available from a variety of mediums. The best medium for a user depends on the kind of information being sought and the type of access available.

B. **WebPACER** - The WebPACER system provides Public Access to Court Electronic Records via the Internet using any standard browser. Scanned document images and electronically filed documents are also available via our WebPACER service. Persons interested in utilizing this service must first register with the PACER Service Center at 800-676-6856 or on the Internet at the PACER Service Center. There is a charge of \$.08 per page for information retrieved from this site. If you need help using the WebPACER system, there is a user's guide available. To register for WebPACER, go to <http://pacer.txeb.uscourts.gov>.

C. **VCIS** - VCIS is the Voice Case Information System. VCIS uses an automated voice response system to read a limited amount of bankruptcy case information (debtor, debtor's attorney, case trustee and current case status) directly from the court's database in response to Touch-Tone telephone inquiries. From the Tyler local calling area dial (903) 590-3251. Outside the Tyler area call toll-free 1-800-466-1694

D. **National Case Party Index** - The U.S. Party/Case Index is a national index for U.S. district, bankruptcy, and appellate courts. This index allows searches to determine whether or not a party is involved in federal litigation almost anywhere in the nation. The U.S. Party/Case Index provides the capability to perform national or regional searches on party name and social security number in the bankruptcy index, party name and nature of suit in the civil index, and party name in the criminal and appellate indices. The search will provide a list of case numbers, filing locations and filing dates for those cases matching the search criteria. The U.S. Party/Case Index is available on the Internet at <http://pacer.uspci.uscourts.gov>.—For more information on the U.S. Party/Case Index, please visit the USPCI Overview. In accordance with Judicial Conference policy, the PACER Service Center charges a \$.60 per minute access fee for dial-up service and \$.08 per page for

Internet service. Persons desiring to use this service must also first register with the PACER Service Center at 1-800 676-6856 or on the Internet at pacer.psc.uscourts.gov/register.html.

E. Federal Records Center - The paper case files (if one exists) for all closed cases are eventually sent to the Federal Records Center in Fort Worth, Texas for long term storage. The policy differs slightly among our three divisional offices on how long a file is held at the divisional office after being closed. The physical location of closed paper case files should always be determined using the Court's electronic records before actually traveling to the Court. Please visit the Court's FRC Search Page on its website to determine if the paper case file you are interested in has actually been sent to the FRC for storage. Case files that contain both paper and electronic records are NOT sent to the Federal Records Center.

F. Unclaimed Funds - Unclaimed funds are monies deposited with the Clerk's Office by a case trustee pursuant to §347, Title 11 of the United States Code. Generally, these monies are unclaimed because the trustee does not have a current address for the creditor. Funds may be claimed pursuant to §2042, Title 28 of the United States Code. For further assistance, our Finance Office can be reached at (903) 590-3207. In almost all instances, the Court's Unclaimed Funds Database on the Court's website is the best source of information. Instructions and sample required forms are also posted on the Court's website.

VII. ELECTRONIC DOCUMENT FILING

A. Registration forms to file documents electronically are available at any of the three divisional offices or from the Court's website at www.txeb.uscourts.gov.

B. All fees due for documents filed electronically must be paid for on-line with a credit / debit card.

VIII. NOTICING

A. The Clerk's Office uses the Bankruptcy Noticing Center (BNC) under contract with the Administrative Office of the United States Courts (AOUSC) for noticing.

B. Notice recipients generally receive notices that are printed and mailed first class using the United States Postal Service (USPS). Notice requests are generated daily in the Clerk's Office and sent electronically to the BNC each evening. Notices are printed and mailed on the following day at the BNC print facilities around the country.

C. High volume users, those organizations receiving more than 200 notices on a monthly basis, are strongly encouraged to receive notices using Electronic Data Interchange (EDI). Noticing data transmitted via EDI is automatically sent to a user-defined electronic

destination. This EDI information can then be processed by the user's computers, providing the capability for automated processing of at a fraction of the cost of manual methods. This service is available at no cost to users and results in notices being received the same day or the next morning by the user. A Trading Partner Agreement (TPA) must be signed by both the user and the Clerk's Office and on file with the BNC. The standard TPA is not authorized to be modified in any way.

D. Users receiving between 20 and 200 notices on a monthly basis are strongly encouraged to receive notices either through their email system or through their facsimile machine. These notices are usually received the same day the notice request is sent to the BNC or the next morning.

E. There is a special Electronic Bankruptcy Noticing (EBN) website at www.ebnuscourts.com for detailed information about these free electronic noticing services. Users may also contact the BNC directly at 800-837-3424. These electronic notices will provide notices to users days faster than the usual USPS first class service.

F. In all instances where the BNC does not receive an acknowledgment of receipt from a user's electronic system (EDI, email, or fax) by the time the notice is printed for all other notice recipients, the BNC will print and mail the notice.

G. In certain limited situations, the Clerk's Office will fax or mail certain orders to small groups of notice recipients.

H. National Creditor Registration Service - The Bankruptcy Noticing Center (BNC) will support the preferred creditor address requirements that go into effect under 11 U.S.C. § 342 (e) and (f) through an expansion of the BNC National Creditor Registration Service (NCRS). In addition, a new provision of Federal Rule of Bankruptcy Procedure 2002(g) that will go into effect on December 1, 2005, will be supported through the NCRS process¹. The expanded NCRS program will handle most aspects of these new statutory and federal rule noticing requirements. Through the expanded service, the BNC will not only continue to support preferred electronic mail addresses through the Electronic Bankruptcy Noticing (EBN) program, but it will also be able to redirect notices to a creditor's preferred U.S. mailing address. The new service is expected to provide better service to notice recipients while further reducing the judiciary's postage expenses. We will forward any creditor preferred address notifications filed directly with the court to the BNC. Creditors with questions about the new service should call the toll-free NCRS support line at (877) 837-3424. A new public website is under construction to provide information to creditors regarding the new service at <http://www.NCRSuscourts.com>. A link to this public site is also posted on our external website. The BNC is designated to handle the preferred address provisions of the new statutory and rules requirements.

IX. CRIMINAL REFERRALS

Pursuant to 18 U.S.C. § 157 (d), when judges refer cases that may contain a materially fraudulent statement in a bankruptcy schedule to the Clerk, the Clerk will notify the United States Attorney and the designated field office agent of the Federal Bureau of Investigation (FBI).

The address for the United States Attorney is listed in TXEB Appendix 1007-b-1.

The designated field office of the FBI is at 3301 Golden Road, Tyler, TX.

X. ISSUANCE OF SUMMONSES

Effective December 1, 2005, any summons which is issued by the Court is sent back to the filing attorney for further service using the noticing aspect of the docketing process. The filing attorney should print the summonses for service. There is no change in the process of actual service of the summons and return of the summons back to the Court.

XI. CORRECTING A SOCIAL SECURITY NUMBER (SSN)

The debtor must file on paper an amended verified statement (Official Form 21) with the correct full Social Security Number. The full SSN must be noticed to all creditors, the United States Trustee and the case trustee. A redacted copy (showing only the last four digits of the SSN) of this notice with a certificate of service evidencing such service must also be filed. This filing must be done even if the last four digits of the SSN did not change.

Only when a mistake occurs in the last four digits of the SSN should an amended petition and certificate of service evidencing service to all parties be filed. An amended petition filed electronically also requires another Declaration to be filed on paper, per Exhibit B-3 to TXEB Appendix 5005.

The Clerk's Office will notify the three credit reporting agencies (CRAs) that the originally filed number was incorrect and ask that this number be corrected in their files.